

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the Examiner's rejection of the above-identified application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1, 3 and 4 are in the application. Claims 6 and 7 have been canceled. No new matter has been added.

The Examiner rejected claims 1, 3, 4, 6 and 7 under 35 U.S.C. 102 or 103 as being anticipated by or obvious in view of EP 0030820 (Harrenstein et al). Applicant respectfully traverses.

The present invention provides an aerosol composition comprising a paint material that is compatible with a propellant consisting of propane and butane with a weight ratio of paint material and hardener to propellant between 75:25 and 70:30. The composition reaches a spray rate of 20 to 22 spray-ready material within 10 seconds after initiating spraying from the spray can (cf. p. 4, 3rd paragraph in connection with p. 8, 3rd paragraph of the present application).

4

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methacrylates with a C₂ to C₄ alcohol residue or mixtures of these copolymers.

However, all compositions disclosed in Barrenstein must contain acrylic resins including styrene as a monomer. Moreover, according to p. 6, line 24 to p. 7, line 7 of Barrenstein, only prepolymers containing 1-2 wt % hydroxyl groups (corresponding to an OH number between 33 and 66) are compatible with a propellant consisting of propane/butane, whereas prepolymers with an OH-number of more than 66 are only compatible with dimethyl ether or a mixture of dimethyl ether and propane/butane as a propellant. Even compositions comprising prepolymers with between 1 and 2 wt% hydroxyl groups may only be mixed with a propellant consisting of propane and butane up to a ratio between basic lacquer component and propellant of 70:30 at most (cf. p. 7, lines 25-27).

Consequently, the compositions disclosed by Barrenstein et al. differ from those according to claim 4 of the present invention with regard to the OH number of the acrylic resins employed, namely 33 to 66 on the one hand and 130 to 140 on the other hand, and from those according to claim 1 of the present

combination. Early allowance of the amended claims is respectfully requested.

Respectfully submitted,

PETER KWASNY - 2



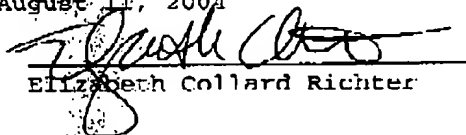
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I hereby certify that this correspondence is being sent by facsimile transmission to the Assistant Commissioner for Patents, Washington, D.C. 20531, on August 11, 2004



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